

REMARKS

This amendment is responsive to the Office Action of December 16, 2008.

Claims 1-7 and 9-14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koike et al. (US 2003/0084300).

Independent claim 1 recites the limitation of “*providing to said receiver a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data; at said receiver determining whether a received privacy policy is acceptable; and if acceptable, at the receiver selecting from the store the usage data identified in the privacy policy and transmitting the usage data to a sender of the privacy policy.*”

Koike fails to describe, teach or imply the above limitations. The Office Action points to paragraph [0036] lines 4-6 and [0013] to show the limitation of “providing to said receiver a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data.” Applicants respectfully disagree. In these sections Koike simply teaches that a privacy data administrator is connected between a server and a terminal of device of a user. This privacy data administrator administering data including privacy of the user. Thus, Koike does not teach that the privacy policy identifying the usage data sought to be harvested and an intended use for the usage data is provided to the receiver or terminal, but is administered by a device between the server and receiver. The Office Action points to paragraph [0021] lines 7-10 to show the limitations of “*said receiver determining whether a received privacy policy is acceptable; and if acceptable, at the receiver selecting from the store*

the usage data identified in the privacy policy and transmitting the usage data to a sender of the privacy policy.” Applicants respectfully disagree. In this section Koike again simply teaches that a privacy data administrator is connected between a server and a terminal of device of a user. This privacy data administrator administrating data including privacy of the user (not the receiver) and determines whether the user of the terminal is allow access to the data.

The Final Office action also indicates that the Examiner notes that the Terminal Device and the Privacy Data Administrator in Koike “as a complete set of receiver.” However, this is inconsistent with Koike. In paragraph [0035], Koike indicates that “the terminal device may be comprised of a cellular phone.” The privacy data administrator 100 is some type of processing unit, see paragraph [0090] which is located somewhere other than the terminal device. Accordingly, nothing in Koike teaches or suggests the Terminal Device and the Privacy Data Administrator are a “complete set of the receiver” -- they are meant to be two separate parts of the network or system of Koike. See figs.: 1, 5, 9, 14 and 16.

Independent claim 9 recites: An apparatus for harvesting of usage data comprising: “a receiver, monitoring and storage devices arranged to detect and store usage data relating to a users operation ... control device being arranged, on determination that said received privacy policy is acceptable, to select from said storage device the usage data identified in the privacy policy and transmit the usage data to the output.” Applicants respectfully note that the above claim recites a complete apparatus and not a combination of pieces of a network or system.

Accordingly, Koike does not teach “providing to said receiver a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data; at said receiver determining whether a received privacy policy is acceptable; and if acceptable, at the receiver selecting from the store the usage data identified in the privacy policy and transmitting the usage data to a sender of the privacy policy.”

Having shown that the cited reference does not include all the elements of the present invention, Applicant submits that the reasons for the Examiner’s rejections of the claims 1 and 9 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejection and allowance of the claims.

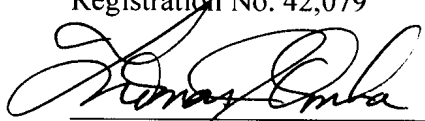
Claims 8 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike et al. (US 2003/0084300) in view of Blasko (US 2001/0049620).

Claims 2-8 and 10-15 are dependent from one of the independent claims discussed above, and are believed allowable for at least the same reasons and any rejections thereof should be withdrawn. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. Entry of this Amendment and a Notice of Allowance is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Thomas J. Onka', written over a horizontal line.

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